

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	August 8, 2017
Time of Incident:	Approximately 10:21 p.m.
Location of Incident:	XXX S. State Street, Chicago, IL 60604
Date of COPA Notification:	September 27, 2017
Time of COPA Notification:	5:19 p.m.

On August 8, 2017, Subject 1 (“Subject 1”) was pulled over at XXX S. State Street, Chicago, IL 60604 by Chicago Police Officers for an inoperable headlamp and an expired license plate. Officers also observed a Fraternal Order of Police medallion attached to the rear of the vehicle. Upon Field Training Officer A (“Officer A”) approaching the driver side of the vehicle, an unlocked gun box was observed near Subject 1’s feet on the floorboard of Subject 1’s vehicle. Subject 1 told officers that he was not an active FOP member or peace officer, and he further advised officers there was a gun – which was unloaded, dismantled, and separated from any ammunition – located in the glove box. Subject 1 presented to officers a valid Firearm Owners Identification card (“FOID card”), but he did not possess a valid concealed carry license. Officer A asked Subject 1 to see the firearm for safety purposes while being engaged in the traffic stop, at which time Subject 1 called 911 and asked for a supervisor to respond to the location. Upon the arrival of Sergeant A (“Sergeant A”), Subject 1 was removed from the vehicle, detained, and subjected to a pat down search for weapons. Officers recovered an unloaded Glock firearm from the glove box of Subject 1’s vehicle along with five loose rounds. The unlocked gun box, from the floorboard of Subject 1’s vehicle, contained two fully loaded magazines and one loose round. Additionally, in plain view on the rear seat, officers observed one fully loaded magazine and an additional loose round. Subject 1 was taken into custody under charges relating to Unlawful Use of a Weapon, False Personation of a Charitable Organization, and multiple traffic violations. Subject 1 alleged that he was unlawfully arrested and charged. The Civilian Office of Police Accountability (“COPA”) investigated Subject 1’s allegation of unlawful arrest. Formal allegations were never brought by COPA against the involved officers, as COPA found Subject 1’s original allegation of unlawful arrest unfounded.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A; Star: #XXXXXX; Employee ID: #XXXXXXX; DOA: XX/XX/2012; Police Officer/Field Training Officer; Unit: XXX District; DOB: XX/XX/1979; Male; White Hispanic
Involved Officer #2:	

Involved Officer #3:	Sergeant A; Star: #XXXX; Employee ID: #XXXXXX; DOA: XX/XX/1999; Sergeant; Unit: XXX District; DOB: XX/XX/1976; Female; Black
	Officer B; Star: #XXXXXX; Employee ID: #XXXXXXXX; DOA: XX/XX/2016; Probationary Police Officer; Unit: XXX District - Recruit Training Section; DOB: XX/XX/1993; Male; White
Subject #1:	Subject 1; DOB: March XX, 1985; Male; Black

### III. ALLEGATIONS<sup>1</sup>

Officer	Allegation	Finding
Officer A	1. It is alleged that on or about August 8, 2017, at approximately 10:21 PM, in the vicinity of XXX S. State Street, Chicago, IL 60604, Subject 1 was falsely charged and arrested.	Unfounded

### IV. APPLICABLE RULES AND LAWS

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#### State Laws

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1. 720 ILCS 5/24-1: Unlawful Use of Weapons
2. 720 ILCS 5/17-2: False Personation

### V. INVESTIGATION<sup>2</sup>

COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

#### a. Digital Evidence

The **Body Worn Camera (BWC)**<sup>3</sup> footage from Officer A and Sergeant A shows the traffic stop conducted on August 8, 2017. Sergeant A and Officer A discuss the traffic stop, and due to Subject 1 having multiple traffic violations in addition to the firearm and ammunition strewn

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<sup>1</sup> Formal allegations were never bought and served against any officer during the course of this investigation.

<sup>2</sup> Subject 1 declined to be interviewed for this investigation; however, in his initial complaint to COPA, Subject 1 told COPA investigators that he was lawfully stopped for an inoperable headlight and unlawfully arrested.

<sup>3</sup> There is no BWC from Probationary Police Officer (PPO) Officer B, as PPO's are not assigned to or carry a BWC during their probationary period.

about his vehicle, Sergeant A advises Officer A to take Subject 1 into custody for further investigation.<sup>4</sup>

### b. Documentary Evidence

The **Original Case Incident Report and Arrest Report**, reference RD No. JAXXXXXXX and Event No. XXXXXXXXXXXX, documented the incident leading to Subject 1's arrest. These reports indicated that Subject 1's vehicle was pulled over due to him having an inoperable front headlight lamp and an expired license plate. Upon Officer A walking to Subject 1's driver side door, he noticed an unlocked gun box as being near Subject 1's feet on the vehicle's floorboard. Subject 1 refused to allow officers to secure his weapon; instead, Subject 1 called 911 and asked for a supervisor to respond to the location. Sergeant A responded and asked Subject 1 to step out of the vehicle for officer safety, at which point Subject 1 was detained and patted down for possible weapons. Officer A then proceeded to secure the gun box, which contained two fully loaded magazines and a single loose round. An unloaded Glock firearm was recovered from the vehicle's glove box along with five live rounds and a single box of ammunition containing an additional twenty live rounds.<sup>5</sup> In plain view in the rear seat of Subject 1's vehicle officer observed an additional fully loaded magazine and a single loose live round. Subject 1 was taken into custody for charges relating to traffic violations, unlawful use of a weapon, and false personation of a charitable organization.<sup>6</sup> <sup>7</sup>

The Office of Emergency Management and Communications **Event Query Report** documents a traffic stop conducted at XXXXX and S. State Street on August 8, 2017, at approximately 9:52 PM. Subject 1's license plate, driver's license, and FOID card were ran.<sup>8</sup>

## VI. ANALYSIS

COPA recommends a finding of **Unfounded** for **Allegation #1**, in that Officer A, and/or other involved officers, falsely arrested and charged Subject 1. The basis for Subject 1's arrest was comprised of multiple charges, any of which could have underpinned the lawful arrest of Subject 1. Absent a warrant, probable cause must exist before an officer can lawfully arrest an individual. An officer has probable cause for an arrest when he or she has facts within their knowledge to reasonably believe that an individual is about to commit, is committing, or has committed a crime.

Subject 1 was initially stopped by officers for an equipment violation – a front headlight of Subject 1's vehicle was inoperable. While Subject 1 declined to be interviewed by COPA regarding his experience with police on August 8, 2017, Subject 1 did initially contact COPA to report his alleged unlawful arrest. During this initial contact with COPA, COPA investigators documented Subject 1's complaint. Subject 1 indicted that he was lawfully stopped by officers for

<sup>4</sup> Attachments 15-16

<sup>5</sup> A badge holder was also found in the glove box, but Subject 1 advised that he turned in his star when he resigned and keeps the badge holder in the glove box with everything else.

<sup>6</sup> The criminal charges of Unlawful Use of Weapons and False Personation were declined by the State's Attorney's Office.

<sup>7</sup> Attachments 8 & 13

<sup>8</sup> Attachment 11

not having a front operable headlight; however, Subject 1 took issue with his subsequent arrest. Subject 1's initial complaint to COPA was telling, in that he clearly admitted to a traffic violation in the course of reporting his complaint with COPA investigators. This traffic infraction alone provided a legal basis for Subject 1's arrest. Because Subject 1 and the involved officers both indicated that Subject 1 violated the law by not having a properly functioning headlight on his vehicle, COPA finds that Officer A had the requisite probable cause needed to place Subject 1 lawfully under arrest.

Despite Subject 1's lawful arrest for a traffic infraction, COPA will now address the officers' decision to additionally charge Subject 1 with an Unlawful Use of Weapons charge. Arguably, an officer should only bring an additional charge against an individual if probable cause exist for such a charge. Illinois state law prohibits an individual with a valid FOID card from transporting a firearm in their vehicle unless the firearm has been broken down into a non-functioning state, not accessible, or unloaded and enclosed in a case.<sup>9</sup> Subject 1 initially told officers the weapon within his vehicle was dismantled and separated from any ammunition, which proved to be inaccurate. Instead, officers found an empty gun case, a functioning firearm in the vehicle's glovebox, and multiple loaded magazines and loose live round throughout Subject 1's vehicle and within proximity to the firearm. Cautiously, and under the direction of Sergeant A, Officer A charged Subject 1 with Unlawful Use of Weapons based upon the firearm's manner of storage within Subject 1's vehicle and the multiple loose rounds of live ammunition. When comparing the facts of this incident to the requirements of Illinois law, COPA finds that Officer A had a sufficient factual basis to reasonably believe that Subject 1 was committing a violation of Illinois law. Accordingly, COPA finds that Officer A had the necessary probable cause to place Subject 1 under arrest for an Unlawful use of Weapons charge.

Since the above analysis unfounded Subject 1's complaint of unlawful arrest, COPA finds it unnecessary for any further examination into the additional charges brought against Subject 1. Since multiple charges were brought against Subject 1 for which probable cause existed, COPA consequently finds Subject 1's complaint of unlawful arrest unfounded.

## **VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	1. It is alleged that on or about August 8, 2017, at approximately 10:21 PM, in the vicinity of XXX S. State Street, Chicago, IL 60604, Subject 1 was falsely charged and arrested.	Unfounded

Approved:

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<sup>9</sup> 720 ILCS 5/24-1.

COPA Chief Investigator A  
*Deputy Chief Administrator – Chief Investigator*

Date

**Appendix A**

## Assigned Investigative Staff

<b>Squad#:</b>	X
<b>Investigator:</b>	COPA Investigator A
<b>Supervising Investigator:</b>	COPA Supervising Investigator A
<b>Deputy Chief Administrator:</b>	COPA Chief Investigator A